

Tunisian Forum for Economic and Social Rights

Migrants placed in the Wardia Centre:

Detained, then deported or "forcibly" returned



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EXECUTIVE SUMMARY

This research is presented in the context of the Tunisian Forum for Economic and Social Rights' endeavors to intensify studies and research work in order to serve and advocate for migration issues in Tunisia in light of the exacerbation of this phenomenon as a result of several geographical, economic and political factors with which Tunisia has gradually transformed from a country of transit for migrants to a destination country they intend to settle in, too.

This study concluded , from a field visit to the Reception and Orientation centre in Wardia, and through the collected testimonies, dialogues and meetings that were conducted with a number of migrants who were detained at different periods in the centre and with a group of legal experts, lawyers and civil society activists interested in the issue of migration, that Tunisia, despite the increase in the number of immigrants to or through it, especially Africans fleeing either from the horrors of war , the miserable existence or the oppression of the regimes governing their countries, still lacks any deep vision or approach to deal with the phenomenon of migration with its multiple political, humanitarian, economic, psychological and intellectual dimensions and limits itself to a pure security approach that lacks legal legitimacy and conflicts with the spirit of the constitution and with the foundations of the rule of law and institutions, and necessarily contradicts the international

agreements and treaties related to the protection of refugees, as well as its inability, however, to find real and effective solutions to this phenomenon.

It can be said that the Reception and Orientation Centre of Wardia represents a true reflection of the inability of the Tunisian authorities to develop a clear national strategy with regard to the phenomenon of migration or its unwillingness to do so. As migrants are placed in this center in difficult circumstances and kept without any legal basis or judicial justification before being placed outside the Tunisian borders or forcibly deported to their countries, and in the best cases they are pushed into leaving Tunisian territory in the framework of implementing "voluntary return" programs in cooperation especially with the International Organization for Migration.

While Tunisia, like other countries of the world, has the right to ensure that its national sovereignty, regional security and borders are protected and endeavor to regulate the inflows of migrants and set the terms of their stay , the exercise of this right with a pure security doctrine that lacks a clear legal basis and does not take into account the specificity of the fragile psychological, social and economic situation of immigrants and the protection and rights afforded and guaranteed to them by international agreements and the duties they impose on states in dealing with them, raises many questions about the role that Tunisia wants to play in this field and about the image that it projects for itself. Has it really become a "guardian of the

borders of Europe" and "a platform for sorting migrants to it" in light of the growing restraint of European policies envisaged in this field, or is it doing so to discourage migrants from thinking about Tunisia as an alternative to the European territories that they no longer want to receive them ??

In all cases, regardless of all political considerations, regional balances and economic difficulties, Tunisia the revolution and the leader in the field of prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment and the criminalization of violence against women and the elimination of all forms of racial discrimination, Tunisia that ratified international agreements and treaties related to the protection of the rights of migrants and refugees cannot allow itself to continue to deal with this sensitive case outside the law and in isolation from respecting its international obligations whatever the strategic options that it wishes to envisage in this regard.

INTRODUCTION

Once you take a few steps outside the metro station, you will see the centre at the top of the hill with its white high fences and stark calm, which is totally in contrast with the bustle of the popular character of the place. A facility covering about 4.5 hectares located between the popular neighborhood of Wardia, south of the capital, Tunis. Outside the Wardia Reception and Orientation Centre, nothing suggests that dozens of people inside feel suffocated.

Hundreds of irregular migrants are brought here under the guise of "reception", amid the complete absence of a legal text regulating this process and specifying the rights and duties of these migrants¹ within this centre. They are "strangers of the republic"² and very little is known about them. Because they represent a source of concern and inconvenience to the authorities, they must be deported soon. That deportation may

¹ -Within the objectives of this research, the term immigrants includes all types of mixed migration flows from refugees, asylum seekers, migrant workers and other migrants, such as unaccompanied minors, migrants for environmental reasons, smuggled persons, victims of human trafficking, stranded migrants and others.

² -“Individual freedoms of foreign women and foreigners in Tunisia:” Strangers of the “Republic”, Sahim Ben Achour, Tunisian Association for Individual Freedoms, May 2019

http://www.adlitn.org/sites/default/files/2._etude_les_meteques_de_la_republique_synthese_etude_arabe.pdf

come after weeks or months and here luck and the civil and diplomatic powers' balance play their role. Between detention and deportation, immigrants experience a prison experience governed by the following questions, "What am I doing here?", "Why did they bring me to this place?" "Am I a prisoner or a free man?" "If I am free, why can't I move out of the centre?"

El Wardia inmates feel angry and helpless about the state of detention. They are stuck in a "reception trap" trying to pass the time by following the stories of those who came and those who left. They are often alarmed at being the next target of deportation to the border. Most of them are afraid of the last hours of the night and the beginnings of the morning, those they have experienced as "deportation times." They feel helpless about the delay in responses to their asylum claims, and toward encouraging them to "voluntary return", while intimidating them of forcible deportation. Some of the people we met said that no organization visited them and no one contacted them. They spend weeks waiting for an unknown fate that may be delayed by other weeks or months. Others their refugee card failed to make them leave, so they remained with the others waiting for the salvation hour.

The Wardia Centre is only the tree that hides the forest. In spite of the increasing migration flows towards it and its transformation gradually from a transit country only to a destination for a large number of immigrants, Tunisia still deals with immigrants towards it, especially the Africans, in a manner

that is the weakest in the Maghreb³, and with a pure security approach, despite the increase in the number of non-Tunisians residing in Tunisia by about 66% between 2004 and 2014, when it reached 53,490 individuals compared to 35,192 individuals⁴.

However, this figure does not take into consideration the approximately 10,000 sub-Saharan Africans residing in Tunisia illegally and "who do not have reliable or up to date statistics."⁵ Many immigrants come to Tunisia legally in view of the visa waiver for many African nationalities, but challenges begin to emerge when trying to obtain residence cards and on the occasion of its slow and costly renewal procedures⁶. This leads many to fail to extract the required documents before the legal deadlines pass, which makes their stay in Tunisia illegal and subjects them to a fine of 20 Tunisian dinars for each week of delay. A difficult situation that pushes them towards parallel work and sometimes makes them vulnerable to economic exploitation and human trafficking in light of their fear of not being able to complete procedures for renewing residence cards or their inability to provide the amount of the fine before many of them end up being held in the Reception and

³ - Includes 60,000 African immigrants: Tunisia is the Weakest Maghreb Country in dealing with the Phenomenon of Migration, El Sabah, May 14th, 2018,<https://bit.ly/2LCY92H>

⁴ - Tunisia, country of destination and transit for sub-saharan African migrants, REACH and Mercy Corps, Octobre 2018, <https://bit.ly/33Xe4iQ>

⁵ - Ibid,

⁶ - Includes 60,000 African immigrants: Tunisia is the weakest Maghreb country in dealing with the phenomenon of migration, Sabah, May 14th, 2018<https://bit.ly/2LDEjEJ>

Orientation Centre, waiting for deportation or "benefiting" from the" voluntary return "program, all of which are options that are equal in terms of bitterness, although they have numerous names.

I.

A CENTRE WITHOUT LEGAL FRAMEWORK

“(...) And between the reality of this centre and its real tasks on the one hand and the fact that it is being subject to the National Guard forces’ direct security supervision on the other hand, we feel that we are in front of an institution that is not meant to be visible as it continues at the same time to perform tasks that raise many questions about the extent of its legality and legitimacy.”

1. Detention under the guise of reception:

Perhaps the first thing that arouses suspicion in the status of the Reception and Orientation Centre is the lack of clarity of the legal framework regulating it⁷ and its activity and the lack of clarity of the legal status of the migrants placed in it. We hardly find any published legal or regulatory text related to the Centre's establishment, nor to its administrative organization, or to the nature of the tasks assigned to it. The fact is that this centre has legal personality and financial independence. It is a public administrative institution under the auspices of the Ministry of Interior and its budget is attached to the state budget and estimated under the 2019 Finance Law at three hundred thousand dinars.

It is a strange and obvious situation in contradiction with the provisions of Law No. 64 of 1993 dated July 5, 1993 relating to the publication of texts in the official Gazette of the Tunisian Republic and their enforcement which requires that all legal and regulatory texts be published in the official Gazette in order for them to be effective. We also find no mention of this centre in the Ministry's website, which deliberately does not refer to it, neither directly nor indirectly in all the information, data and communications issued by it, even in its organizational structure published in its website, which lists all the institutions under its auspices with the exception of the centre.

⁷ - See the organizational structure of the Ministry of Interior published in the following link <https://www.interieur.gov.tn/article/organisation-du-ministere>

Likewise, the centre, which is realistically devoted to accommodating foreign refugees, is classified under the finance laws, which are the only published texts that refer explicitly to it as a "social rehabilitation institution". And between the name and classification that suggest that we are in front of a protection and orientation institution similar to the defense and social integration centres that are under the auspices of the Ministry of Social Affairs on the one hand, and between the reality of this centre and its real tasks and the fact that it is subject to the National Guard forces' direct security supervision on the other hand, we feel that we are in front of an institution that is not meant to be visible as it continues at the same time to perform tasks that raise many questions about the extent of its legality and legitimacy.

In addition to the ambiguous legal status of the centre as an institution, the status of those placed in it is no less mysterious, especially in the absence of any clear legal framework that regulates their mandatory accommodation process in the centre, which is a full-fledged detention process in clear violation of all international agreements and treaties related to the protection of the rights of migrants and refugees and the principles and values that underpin the Second Republic and its constitution.

"The centre's inmate does not know what his legal status is, is he arrested? No, because the authorities tell him that he is in a reception centre. Is he free then? No, because he cannot leave the centre. He is, therefore, detained in one way or another

and deprived of his right to movement and other rights.” Lawyer Helmy Toumi.

All the lawyers and representatives of associations we met agree that the Wardia Reception and Orientation Centre does not respond to the description of a reception and orientation centre for migrants, as they are unanimous in describing it as a “detention centre”. Indeed, “the reception centre must provide the right to leave and the right to movement, and this matter is absent in the case of the Wardia Centre.”

“I was imprisoned in my country, then I came here in search of a safe shelter, but I found myself in prison again. This situation is mentally killing me.” F., an Ivorian immigrant, held in the Wardia Centre.

“We are like prisoners here. If they lock the door at nine thirty at night and do not open it until about 6:45 a.m., a migrant who feels unwell or very ill can only wait for the morning. We are being held as prisoners here.” K., an Ivorian immigrant, held in the Wardia Centre.

We do not find in all legal texts regulating the status of foreigners in Tunisia and their passports and permits, any provision for the establishment of a centre in which irregular migrants or those violators of accommodation arrangements are accommodated and that controls the conditions governing detention and its cases and the guarantees granted to those placed in it. Whatever the case, detaining any person and depriving him/her of his /her basic rights without any legal

basis and based on administrative security decisions, without any judicial justification, is necessarily an act contrary to the provisions of the 2014 constitution that enshrines the freedom to choose the place of residence and movement and stipulates that these basic rights and freedoms cannot be limited except by law, provided that the judicial bodies ensure that these rights and freedoms are protected from any violation.

In the absence of any legal basis for the mandatory deposit of foreigners in the Wardia Centre and their prevention from leaving it without obtaining any judicial permission, this supposed "reception and orientation" in the centre's work is in fact a detention, nothing more, nothing less, and it reminds us of the detention operations carried out by the Tunisian state apparatus under the Husseini regime in implementing the requirements of the Supreme Order issued in 1848 known as the "mind of savages"⁸ order issued by Ahmed Bey I to confront the phenomenon of the exodus of rural people to the capital and prevent their influx.

"No one knows what is going on inside the Wardia Centre, which is not appropriate for post-revolution Tunisia. From my position as a defender of human rights and migrants, I think the situation is shocking, and what is worse is that the European countries know this and even seek to make Tunisia a platform

⁸ - Some of them are two centuries old, but they are in force: laws prohibiting the entry of "savages" into the capital and protecting the Bey and the Bajji, Weekly Morning, December 28, 2015,<https://bit.ly/3318BxE>

for migrant selection.⁹ "Touré Blamassi, Alda Association for Leadership and Development in Africa.

Only a limited number of associations and international organizations are allowed to enter the Wardia Reception and Orientation Centre, in coordination with Borders and Aliens Service. Lawyers are also allowed to enter, but they often limit themselves to contacting their detained clients by phone as long as the centre's administration allows them to use their mobile phones.

In this regard, Lawyer Helmi Toumi wonders with condemnation: "Are these persons in conflict with the law? Well, then, the judicial police must resort to the judiciary and obtain permission to deny their freedom of movement. But unfortunately, throughout the world and not just Tunisia, we find this encroachment of jurisdiction. The authorities consider that the state to be sovereign and it must protect its territory and borders from every intruder, but what happens is that this protectionism is excessive. "

There are reception / detention centers for irregular migrants up to the time of their deportation in many European countries, such as "transit procedures centers" in Germany on the border with Austria, in which migrants are classified as travelers in transit zones at airports. Excluded from this classification are immigrants from one of the signatory

⁹ -Centre for Reception and Orientation: "Prisoners" until the time to leave, Durrat Bin Abdel Qader, Tunis Afrique Presse, December 17, 2018, <https://bit.ly/2s9Af8a>

countries to the third Dublin agreement, which includes all European Union countries, in addition to Norway, Iceland and Switzerland, where their placement in the aforementioned centers is illegal.¹⁰

As is the case with the Wardia Centre, irregular migrants are allowed to move within transit centers, but are prevented from leaving and returning to the centre freely. In this regard, German Minister of the Interior Horst Seehofer says that this does not make the aforementioned facilities closed because the detained persons still have the option to return to the countries from which they came.¹¹ Even if the psychological pressure of the detention's situation and the permanent threat of forced deportation negate the voluntary nature, as we shall see later.

The capacity of the Wardia Centre is up to 100 people, max. While the centre's administration confirms that it has never witnessed reaching the absorptive capacity ceiling, previously detained immigrants reveal otherwise.¹²

In light of the scarcity of data about what is happening inside the detention centre, the first testimonies from inside the centre came in 2015¹³ to describe a "worrying situation" due to the absence of opportunities to communicate with the outside

¹⁰ - The Wardia Orientation and Guidance Centre: "Prisoners" until the time to leave, Durrat Bin Abdel Qader, Tunis Afrique Presse, December 17, 2018,<https://bit.ly/2DZbmP8>

¹¹ - Ibid

¹² -Refugees in Tunisia: Between detention and deportation, Glenda Garrelli, Federica Souci and Martina Tazioli, Tunisia In Red, April 2015

¹³ -Ibid

world, the situation of migrants in "cells", "the pressure of police agents and the extortion practiced at every request", the lack of adequate medical care and "a deplorable state of food and hygiene", other than the lack of legal support and the absence of a legal basis for everything that happens during and after detention.

The former Minister of the Interior had made an unannounced visit to the centre in November 2015¹⁴ to "see the working conditions there and the situation of the centre's inmates" without offering information on the conditions he had seen during his visit. Whereas, the National Commission for the Prevention of Torture suddenly visited the Wardia Centre in November 2016, and examined the "general living conditions", where it recorded "the adequacy of food provided to the inmates and the placing of showers on their behalf at all times", in addition to the "medium level of hygiene" in the centre.¹⁵

Only 24 immigrants were detained, including one woman, according to the administration, during our visit to the centre on November 28, 2019, after obtaining a prior authorization. The halls stank of the smell of recently cleaned floors. The kitchen also looked clean, with a chef and an assistant preparing lunch, according to a monthly cooking calendar. But we were unable to see the bathrooms or the residence rooms

¹⁴ -The Minister of Interior in Wardia, Al-Sabah News, November 2, 2015 <https://bit.ly/33Vor6z>

¹⁵ -Annual Activity Report 2016/2017, National Commission for the Prevention of Torture, December 2018, <https://bit.ly/350W5JA>

of the male immigrants whom we met in a space where they spend daylight hours. The space is provided with chairs, tables and a TV set. We also spoke with the centre's doctor who confirmed that she was providing medical examination to all detained migrants who requested it. However, she denied that there is a periodic examination of the detainees, indicating that the centre's staff enjoy this, while the temperature of each migrant is measured once he/ she is brought to the centre to ensure that he/she is free of symptoms of infectious diseases and epidemics.

A number of detained migrants who applied for asylum complained to us about the delay in the arrival of one of the Borders and Aliens Service's officers to take them to the UNHCR office to complete the registration and asylum application procedures. While the response of the aforementioned officer, when we contacted him, was that another permission must be obtained from the administration to answer the question and that he is not the only one concerned with transferring asylum-seekers from the detention centre to the headquarters of the office of the United Nations High Commissioner for Refugees in Tunisia.

2. A legal vacuum and a pure security approach:

While the Tunisian legal arsenal abounds today with important texts enacted following the establishment of the 2014 constitution, in order to provide special protection for fragile and vulnerable groups such as the Basic Law No. 43 of 2013

dated October 21, 2013 related to the National Commission for the Prevention of Torture and the Basic Law No. 61 of 2016 dated August 3, 2016 on the prevention of trafficking in persons and the Basic Law No. 50 of 2018 dated October 23, 2018 related to the elimination of all Forms of racial discrimination and the Basic Law No. 58 of 2017 dated August 11, 2017 regarding the elimination of violence against women, it still lacks a legal text that regulates the status of migrants and specifies the legal safeguards that they enjoy and the means of settling their status and even deporting them in a legal way.

In return, the Tunisian state adopts a pure security approach in dealing with illegal immigrants and foreigners in general, an approach that is particularly evident in the provisions of Law No. 7 of 1968 dated March 8, 1968 related to the situation of foreigners in Tunisia based on the logic of fear of the foreigner and dealing with him/her with a security and restraining thought that does not conform to the international standards and human rights approach that distinguishes the above-mentioned basic laws. This is because the 1968 law is characterized by the size of the significant powers that security services enjoy in granting and withdrawing temporary and ordinary residence cards and expelling foreigners in complete absence of the judicial authorities, in addition to its restraining provisions, which stipulate that penal penalties involving deprivation of liberty ranging from one month to three years may be imposed on every foreigner who violates its requirements. In conclusion, this law deals with foreigners as if

they posed an imminent threat to the Tunisian state and its citizens and makes their residence in it a national security matter to be addressed with purely security mechanisms.¹⁶

If we wish to analyze the situation of foreigners according to what is provided by the national legal system, we will find that the qualification of restriction prevails over all rights and freedoms that the foreigner is supposed to enjoy. A restriction reflected in the difficulty to enjoy social, economic and cultural rights such as the right to health care, social security, work and property. This difficulty is multiplied at the level of the enjoyment of civil and political rights and becomes even more complicated when it comes to applying for Tunisian citizenship.

Law No. 40 of 1975 dated May 14, 1975 concerning passports and travel documents, which is completed and revised in several texts, the most recent of which is the Basic Law No. 45 of 2017 dated June 7, 2017, confirms this security and restraining approach in dealing with foreigners illegally present in the Tunisian territory by criminalizing all acts related to dealing with them, assisting them, or not reporting them and whoever helped them enter the Tunisian territory. The penalties stipulated in this law range from three months to fifteen years in prison in addition to financial punishments.

¹⁶ - Study of "the Individual Freedoms of Foreign Women and Foreigners in Tunisia:" the "Strangers" of the Republic, Summary, Introduction
http://www.adlitn.org/sites/default/files/2._etude_les_meteques_de_la_republique_synthese_etude_arabe.pdf

This legal and security restriction puts immigrants before the dilemma of having to live in the "secrecy" and without hope to settle their status, and thus compels them to work irregularly and hide in perpetuity for fear of being in the grip of security, which often makes them victims of violations ranging from verbal and physical abuse, economic exploitation and human trafficking.

The absence of a national legal framework regulating the status of migrants and controlling their rights, duties, procedures for deportation and settlement of their status is the main reason for the fragility of the situation migrants live in Tunisia today. Although the Ministry of Justice began years ago to prepare a draft law on protecting the rights of refugees and referred it to the Presidency of the Government, this project still ranges in its place and has not been approved by the Council of Ministers and transmitted to the House of Peoples' Representatives.

The draft law prepared by the Ministry of Justice is divided into three chapters, the first relating to the attribution and withdrawal of refugee status, the second to controlling the refugee's rights and obligations and the third to the structure that will handle asylum claims. The financial and legal guarantees that the asylum-seeker and refugee enjoy, under the supervision of the judiciary, have also been stipulated in it. They are options and directions that will lead to a qualitative shift at the level of the situation of migrants in our country, including asylum seekers who are considered as such. However, the significant delay at the level of law referral procedures to

the House of Peoples' Representatives raises several questions about the real reasons behind this delay and how it relates to not reaching a final agreement between Tunisia and the European Union regarding the way to deal with African migrants in particular and the role of each party in this context.

Whatever the case, and in the absence of national legislation related to immigration and asylum in Tunisia today, the status of refugee or asylum-seeker is currently being granted by the office of the United Nations High Commissioner for Refugees, which accepts the demands, studies the files and makes a decision whether to reject or accept them, without asylum seekers having the minimum legal and material guarantees before submitting the request and during the waiting period for their claims to be decided, which sometimes exceeds a year.

The number of refugees and asylum-seekers in Tunisia has reached 2,700, up to the end of October 2019. According to statistics of the United Nations High Commissioner for Refugees, the United Nations has received since January 2019 the registration of 1500 asylum seekers, mostly from citizens of sub-Saharan Africa. Thus, the number of refugees and asylum seekers witnessed an increase by 120%. The UNHCR office expects that there will be approximately 4,000 asylum claims¹⁷

¹⁷ -The number of refugees and asylum seekers has doubled in Tunis, Mosaique FM, 27 November 2019 <https://bit.ly/2sfaeUR>,

in 2020 and that the number of refugees in Tunisia will increase to 1680 by the end of 2019.¹⁸

Asylum seekers find themselves in an illegal situation during the waiting period, and a number of them are held in reception centres. Syrian refugees and other African asylum seekers from the Choucha camp had previously found themselves detained at the centre.¹⁹ During our visit to the Wardia Centre, we met an Ivorian immigrant with an asylum-seeker card held at the centre before informing us later that he left it.

3. A situation that goes against international conventions and treaties:

The lack of the Tunisian legal system today to a legal text on the rights of migrants and refugees is regarded as the main reason for the fragility of the economic, social and legal status of these people. In a way that puts the Tunisian Republic in the position of a country that violates several international and regional human rights conventions, which it has ratified, and which prohibit the economic or social exploitation of migrants, their mistreatment or their forcible return and their deportation to a country where there are good reasons to believe that they will be subject to a real threat of torture or other cruel, inhuman or degrading treatment or punishment.

¹⁸ -On their International Day ... Refugees to Tunisia ... Are they all refugees?, Habib Al-Misawi, Al-Shorouk, 20 June 2019, <https://bit.ly/342NDZ9>

¹⁹ -Refugees in Tunisia: Between detention and deportation, Tunisia in Red, 18 April 2015, <https://bit.ly/2RxBBEj>

Indeed, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, dated December 10, 1984, details the scope of protection from torture. The first paragraph of its third article states that "a State Party cannot expel, return or extradite a person to another State where there are "substantial grounds" for believing that the person would be at risk of being subjected to torture."²⁰

The Geneva Convention on the Status of Refugees dated July 28, 1951 and its supplementary protocols, define a refugee, give him/her asylum and show the way to deal with asylum seekers, and the health, psychological and material care, and procedural and legal guarantees that must be available to them before, during and after deciding on their claims, under the supervision of the corresponding judicial bodies. In a related context, Chapter 2 of the International Covenant on Civil and Political Rights states the principle of non-discrimination. Chapter 7 of the same Covenant prohibits torture, cruel, inhuman or degrading treatment or punishment. Chapter 12 guarantees to each person the freedom to leave any country and the right to enter his/her country.

The Protocol against the Smuggling of Migrants by Land, Sea and Air, added to the United Nations Convention against Transnational Organized Crime dated November 15, 2000, contains several important provisions relating to combating the

²⁰ - This convention can be found through the following link:
<https://www.ohchr.org/ar/professionalinterest/pages/cat.aspx>

smuggling, exploitation and detention of migrants and combating trafficking networks.

For its part, the Convention on the Elimination of All Forms of Discrimination against Women, known as CEDAW, dated December 18, 1979, provides special protection for women by preventing all forms of discrimination against them. The Convention on the Rights of the Child dated November 20, 1989 also contains provisions for the protection of migrant and asylum-seeking children.

Given all these international agreements and treaties, the commitment of the Tunisian state to its pledges in this field appears weak and questionable due to the absence of national legislation on migrants and refugees that takes into account these obligations and puts them within the appropriate legislative and arrangement framework to ensure the right to asylum for those who deserve it and that others have the right to humane treatment based on implementing a clear legal framework that guarantees the Tunisian state the right to defend its regional security, economic and social interests and its national sovereignty, while respecting its international obligations and ensuring the rights of refugees and migrants away from the pure security and restraining approach that it deals with on this file nowadays.

II.

Who are the detainees in the centre? Stories of waiting ... and leaving

"It was not fair to place him on the border in such a way that exposed him and others to many dangers. He had no money to return. He did not know where he was going. He had nothing. After a long walk, he came across the Algerian police that took him and brought him to Algeria where he was again placed in an international organization's reception centre, and from there he was deported to Niger, where he was finally able to contact his parents who sent him money to be able to return home."

A., the wife of an Ivorian immigrant, previously held at the Wardia centre

"The conditions here are not good ... because the bathrooms are dirty. and I don't get enough food to satiate my hunger."

A. An immigrant detained at the Wardia Centre.

"We have been held as prisoners here. I have been feeling unwell for three days and asked them to take me to the hospital. They told me 'be patient.'

K. held at the Wardia Centre."

"I was imprisoned in my country, then I came here looking for a safe shelter, but I found myself in prison again. This situation is mentally killing me."

F. An immigrant detained at the Wardia Centre

1. Numbers and statistics

Statistics enabled by the Wardia Reception and Orientation Centre's administration show that 1059 migrants were detained at the Wardia and Ben Guerdan Centers, which is under its jurisdiction, in the first ten months of 2019. Although the Wardia Centre has been dedicated solely to foreign migrants since 2011, reports continue to divide its applicants according to their categories into displaced, homeless, foreigners and "different."

N	Activity	Total number	Percentage	Number of accustomed
1	Displaced	00	00.00	
2	Homeless	00	00.00	
3	Foreigners	1038	100%	00
4	Different	01	00.00%	
Total		1039	100%	
The rest of October		20		
Total		1059		

The number of migrants held at the Wardia Centre exceeds that of Ben Guerdan during the same period (January-October 2019). The Wardia Reception and Orientation Centre comprised 576 migrants, representing 44.44% of the total detained migrants, while 463 migrants were detained in the same period in the Ben Guerdan centre, with a rate of 44.56%.

27 migrants were detained at the centre between January and October 2019 for further investigation.....

The statistics given by the Wardia Reception and Orientation Centre provide a distribution according to the reasons for the detention of foreign immigrants at the Wardia Centre and the centers under its jurisdiction. "Stealthily crossing the border" came first in terms of the number of migrants detained, followed by "involvement in justice issues" and "overstaying". It is interesting to note that there is a reason for the detention entitled "Further investigation", which raises many questions about the legality of detaining persons for a period that may exceed several months without charge or clear crime other than "further investigation"!

***Distribution of detained migrants by reasons (from January 1st to the end of October 2019)**

N	Reasons	Total number	Percentage
1	Overstaying	117	% 11.27
2	Stealthily crossing the border	573	% 55.20
3	Involvement in justice issues	201	% 19.36
4	Falsification of official documents	112	% 10.79
5	Loss of official documents	06	% 00.59
6	Further investigation	27	% 02.60
7	Expulsion from certain countries	02	% 00.19
Total		1038	% 100

According to the continents, foreign migrants detained between January 1st and October 2019 are divided into four continents. The African continent is at the top, followed by the European continent, then the Asian continent, while the American continent is at the bottom of the ranking.

N	Continents	Number	Percentage
1	Africa	969	% 93.35
2	Europe	32	% 03.08
3	Asia	35	% 03.38
4	America	02	% 00.19
Total		1038	% 100

According to statistics provided by the Centre's administration, the age group of people aged 18 to 30 years is ranked first, followed by immigrants aged 31 to 59, and juveniles under 17. On the day of our visit to the Wardia Centre, we met a detained immigrant of Liberian nationality who reported that he was 16 years old. During our visit, there was also one woman of Moroccan nationality in the female section. However, 130 women of different nationalities were detained there between January 1st and the end of October 2019.

N	Age	Male	Female	Percentage
1	From 00 to 17 years	73	07	% 07.70
2	From 18 to 30 years	620	72	% 66.67
3	From 31 to 59 years	208	49	% 24.76
4	60 years and above	07	02	% 00.87
Total		908	130	% 100

Between January and October 2019, migrants held at the Wardia Centre and the centers under its jurisdiction carry more than 33 different nationalities. The Algerian nationality came at the top of the ranking by 36.19%, followed by the Sudanese by 16.16%, and the Ivorian by 14.45%. These rates contrast with those registered last year, with Ivorian nationality in 2018 at the top of the nationalities held by the center's detainees by 29.27%, followed by the Algerian by 15.69%, and the Guinean by 06.30%. The percentage of the Sudanese nationality last year did not exceed 00.42%.

*Table of Distribution of Detained Migrants by Nationality

Country	Number	Percentage
Algeria	201	% 36.19
Sudan	174	%16.16
Eritrea	69	%06.65
Ivory coast	150	% 14.45
Morocco	50	% 04.82
Mali	29	% 02.79
Guinea	29	%02.79
Libya	31	%02.99
Senegal	21	%02.02
Republic of the Congo	28	% 02.70
Egypt	03	% 00.29
Cameroon	22	% 02.12
Nigeria	33	% 03.18
France	10	% 00.96
Italy	05	% 00.48
Burkina Faso	03	% 00.29
Ghana	04	% 00.38
Lebanon	01	% 00.10
Gambia	05	% 00.48
Syria	04	% 00.38
Mauritania	02	% 00.19
Germany	01	% 00.10
Niger	01	% 00.10
England	01	% 00.10
Somalia	72	% 06.94
Belgium	01	% 00.10
Cambodia	01	% 00.10
Chad	11	% 01.06
India	05	% 00.48
Iraq	19	% 01.83
Turkey	08	% 00.77
Ethiopia	03	% 00.29
Sierra Leone	04	% 00.38
Other nationalities	37	% 03.56
Total	1038	% 100

2. What happens before arriving at the centre?

The Tunisian authorities' handling of the issue of migrant detention and other issues relating to migrants and asylum seekers is characterized by a lot of uncertainty. Indeed, "the issue of immigration is completely covered up. This phenomenon does not exist at the official level, and the Tunisian authorities do not wish to make the issue of immigration a "problem", but in reality it is a real taboo and one of the "undeclared "matters".²¹

Even if this characterization of official dealing with the issue of migrants is contained in a study issued in the year 2010, that is to say, before the phenomenon of irregular migration to and through Tunisia grows in the context of political and social transformations in the region, the official statements in relation to dealing with migrants, especially those who are irregular, are to this very day, almost non-existent. They are often nothing more than reports and newswire feeds issued by the Ministry of the Interior stating that "people of African nationalities" were arrested during the foiling of an attempted clandestine travel, or by the Ministry of Defense stating the arrest of irregular migrants at the border and "returning them to Libya" or transferring them to Border Guard stations "for further investigation". As for what happens after the arrest and further investigation, information about it is mostly lacking, hence the fate of the migrants remains shrouded in mystery.

²¹ - Study on Migration and Asylum in the Countries of the Maghreb, Inadequate Legal and Administrative Frameworks that are Unable to Guarantee the Protection of Migrants, Refugees and Asylum Seekers, Euro-Mediterranean Human Rights Network, December 2010

Lawyer Halim Al-Meddeb tells the story of African irregular migrants whose residence was raided in June 2019 in Ariana, confirming that their fate was not the same. Some were released from the start, while a number of them were rereleased a week later. As for the rest, some of them were deported across the border, while others remained in the Wardia Centre.

He also mentions a similar incident consisting in a raid on a house of 36 African immigrants, most of whom were Ivorians, who were intending to leave the country clandestinely across the maritime boundary. He confirms that only 21 people were arrested, while the rest returned to Sfax, where they had completely disappeared.

For Lawyer Al-Meddeb, the fate of migrants in these cases depends on what they may or may not pay. "As far as I know, the amount is usually 1,000 dinars for those who do not want to end up in the Wardia Centre," says the lawyer. "There are big suspicions of corruption hovering over the ways of arresting migrants. The raids are taking place as if they were being systematic," he adds.

"We used to share one apartment with Cameroonians who later turned out to be counterfeiting currency. We didn't know that. But police officers raided the house one day at 3 a.m. as we were sleeping, searched all the rooms, then arrested all the men they found and put them in Mornaguia Prison, where they stayed for a week. They did not produce any search warrant and we were too scared to ask to see it."

A. The wife of a former detainee at the Wardia Centre

In return, Lawyer Hilmi Toumi, lawyer to a large number of immigrants who were detained at the Wardia Centre" says "As for the conditions of the raid and arrest, how they get arrested and how they reach the Wardia centre; that is a problem in itself. On many occasions, the immigrants' identity papers, private funds and passports remain at home. Were it not for their friends to interfere to facilitate the delivery of these documents to them, the detainees face another problem. Moreover, sometimes the friends of the arrested person are themselves in an illegal situation, which complicates the assistance intervention process. The arrested immigrant, who is held in the Wardia Centre, does not usually want to involve his friends, family, or wife.

Toumi adds: "In some cases, I represented 10 foreigners from sub-Saharan Africa, most of them were Ivorians. Then, when returning to the file, I found the famous phrase "come to our ears"... What happened is that the security agents entered the detainees' residence without permission. Later, they announced that they found Africans in an illegal situation and seized a regular medication (vitamins, nutritional supplements), but they passed it as a suspected "narcotic." They also found that the detainees had amounts of liquor intended for consumption and not for trafficking. Hence, they were referred under the 1968 law that regulates the status of foreigners in Tunisia and on charges of possession of class A narcotic drugs and the charge of surreptitious trafficking in alcohol.

He continues, "By accessing their file and bringing them to justice, I was appalled by the fact that the detainees do not live in the same residence. It became clear that after" it came to the ears" of the security authorities that the residents of the

house were trading in what they ascribed to them, they raided the house in the basement and arrested the four who live in it. Then, they stopped the other six people who live in the house on the top floor. In fact, both houses have independent door, staircase and entrance.

What is the reason for stopping people living in another house while the complaint or information was received with a specific address? The only reason is the color. The agents found that the residents of that building were of the same color, so they stopped them all, "a wrapping paper." It is not permissible to raid another residential place and refer its residents to a referral text for their cousins! It was later revealed that some of the detainees in the case were asylum seekers.

What is even worse is that after all the detainees were held in prison, they were acquitted and left prison to find themselves in a police car that took them to the Wardia Centre. The judge dismissed the case and released them, but they found themselves detained, then deported in an inhuman manner. They put them on the border with Algeria. "

3. Stories of waiting ... No one knows his fate

What all of the migrants we met or contacted and who passed through the Wardia Centre, have in common is that they came to Tunisia to escape something: War, political conflict, security tracking, hunger and poverty. All these reasons, separated or combined at the same time, pushed them to ride the dream, by air, land or sea, towards the "safe shore" or so they thought. They are children and youth, women and men, between the ages of sixteen and thirty-five, who left behind a family and

loved ones. Some of them formed their family here in Tunisia. Others were compelled to leave their family here, too.

They are neither prisoners nor are they free. They are in between. They are being held in a space the authorities call a reception and orientation centre. Detained until further notice, that may be a return ticket "granted" by an international organization or a deportation to the border. Some of them are seeking asylum status in Tunisia, while others want to travel to a place where there is more room for a dream...

The Wardia inmates feel angry and helpless about the state of detention. They are stuck in a "reception trap" trying to pass the time by following the stories of those who came and those who left. They are alarmed by being the next target of Borders and Aliens Service that may deport them to the border. They are afraid of the last hours of the night and the beginnings of the morning, those they experienced as "deportation times." They feel helpless towards the overcrowded rooms and worn-out mattresses in "cells" that are without heat in winter, and towards food that they are not used to its taste and "fiery heat". They do not find soap to wash their hands or buckets to wash their clothes. He who gets sick at night must deal his pain until the doors are open in the morning. Some of the people we met were not visited by an organization and no one communicated with them. They spend weeks waiting for an unknown fate, which may be delayed by other weeks or months. Others, their refugee card did not allow them to leave the centre, so they stayed with the others waiting for the hour of salvation.

*** They deported my husband to the borders with Algeria....**

A.C. (33-years-old) the wife of a former Ivorian detainee (34 years old) at the Wardia Centre

We made an appointment with A.C. at the Ariana metro station. We met, after she finished her work in cleaning-up people's houses, to tell her story with all sorrow. The story of an Ivorian couple who left their house and homeland in search of sustenance in Tunisia, but they got separated.

"We came to Tunisia in 2016, due to the deterioration of the security situation in our country at the time. We sold everything and fled. We didn't know much about Tunisia, but some people told us that we could buy tickets and they would guarantee to return all our travel expenses once we arrived in Tunisia.

We had already done so. I got a three-month visa and arrived in Tunisia before my husband, who used to work in horticulture, car washing and construction, joined me. At first, he got a green card, but later on the expiration of that card coincided with the birth of our child, so he was unable to renew it in the legal deadlines because he was busy taking care of our baby daughter and her expenses.

To meet life expenses and reduce rental costs, we shared one apartment with Cameroonian who later turned out to be counterfeiting currency. We didn't know that. But police officers raided the house one day at 3 a.m. as we were sleeping, searched all the rooms, then arrested all the men they found and put them in Mornaglia Prison, where they stayed for

a week. They did not produce any search warrant and we were too scared to ask to see it.

My husband was then released, among others whose investigations neither proved them to be partners nor involved in the currency counterfeiting case, but because of the expiration of his permit, they took him to the El Wardiya Centre, where he spent five months before throwing him and a number of other migrants on the border with Algeria.

I do not remember that he told me about problems he or others experienced during his stay at the centre. However, it was unfair to put him on the border in such a way that exposes him and others to many risks. He had no money to return. He didn't know where to go. He had nothing. After a long march, he encountered the Algerian police, which took him and brought him to Algeria, where he was once again placed in an international organization's shelter centre, and from there he was deported to Niger where he was finally able to contact his parents who sent him money so that he could return home.

My child was only 3 months old at that time (her father's deportation). This made me live in a very difficult situation. As we, before coming to Tunisia, sold everything so that we could buy travel tickets.

There was no abuse or torture, but my husband always complained about poor living and eating conditions at the centre. So I always cooked to send him food as much as possible. They allowed us to enter food and make visits. You can go at any time, but because the centre is too far away for me and commuting is expensive, I couldn't go regularly.

My husband also told me that at the beginning of his stay in the centre there were about twenty people, but every time there are those who come and go. There were many nationalities, because when I go there sometimes, I see Chinese and other nationalities, but black Africans are the majority.

I asked for help to get my husband released, especially with the presence of a baby, but I did not succeed. I contacted the International Organization for Migration (IOM) and almost all other organizations involved, but it was useless. They deported him to the border.

The IOM appointed a lawyer for my husband, but we were told that the lawyer could do nothing, as it concerned an expired green card.

I am now working in house cleaning, here and there, every day in a different house. Friends help me find work. Working conditions here are not easy at all, they are really difficult. Because when you go to work in cleaning houses, they tell you that you have to clean a big house all in one day for 30 dinars.

As far as I am concerned, I have never been subjected to a racist attitude or treatment, but there are those who told me that he had been subjected to it.

Only God knows what awaits me and my baby in the coming months. I also don't have a green card. But now I have nothing to fear. My husband is already gone and it is difficult to live in Tunisia with a baby and without a father. I am a foreigner and I cannot go to the neighbors to say that I need food to satiate my hunger and feed my child. So, if someone can help me go home and settle a small project there, I will definitely come back.

My child is now 11 months old. I pay 115 dinars monthly to the nursery. My main problem now is accommodation and my child, because I live in bad conditions so that I can pay the rent. The latter is estimated at 200 dinars, in addition to the costs of nursery and food. It's not easy.

IOM helps me with baby diapers, and there is Caritas that also offers diapers and medicines for free. We turn to organizations either over the phone or immediately after getting an appointment, when there is a problem.

There are those who want to pass from Tunisia to other countries, and others who want to work here. But Tunisia does not give Tunisian citizenship, so, why should I stay?? I prefer to return home. If I have money I will go back to Ivory Coast and do something there with my family.

We only ask for help. We want the government to help us get official documents quickly because it is difficult to obtain a green card. It is true that, as the saying goes: "In every flock there are scabby sheep," there are always bad people but not everyone is.

For me, I see nothing in relation to the Tunisian government's handling of immigrant issues. We live a harsh life here, with human rights not fully enshrined. The police -... (She kept quiet and did not continue her sentence although we asked what she wanted to say) Indeed, we live with difficulty."

* I'm not white to take me seriously!

A., 25, a student, from Mali, detained at the Wardia Centre

We met A., at the Wardia centre. He was the first to talk about his story and the conditions of his detention at the centre. But he looked disturbed. That seemed understandable after we knew that he had been in the centre for no more than a week. The language did not help him much in expressing his story....

"I was a student in my country at the Institute of Islamic Studies. I came to Tunisia 8 months ago to escape Boko Haram. I was planning to attend university here, but I could not afford to the study expenses.

I lived in EL Kram in a shared room with other Africans. I kept working in construction workshops in La Goulette, and I received 25 dinars per day. I was heading towards a grocery store, one night, when the police arrested me. Security agents treated me normally, but they only confiscated my passport. Due to my lack of residence documents, they brought me to the centre.

The conditions here are not good.... Because the bathrooms are dirty and I don't get enough food to satiate my hunger.

So far, no one has contacted me, but I want one organization to help me go to a European country, and I prefer France, because I can study there in French or English and save more money to send to my mother. My father is deceased, and I support my elderly mother."

We kept in touch with A. through a the phone, where he talked more comfortably about the conditions of detention at the centre, describing them as "very bad" and asserting that he was subjected to racist attitudes.

Journalist

You told me that day at the centre that
the conditions are bad



A.

Journalist

Very bad

Explain to me how?



A.

We are human beings after all. Excuse me,
but they integrate racism in everything here

Journalist

Were you a victim of racist attitudes at the centre?
How's that?



A.

When you go to the security officers to explain your
problem, they don't take you seriously, but when it
comes to a white one, the problem is quickly solved.

*Marwan doesn't come...

K., 27, political activist, Ivory Coast

K. had been in detention for no more than 10 days when we met him at the El Wardiya Centre. The immigrant fleeing his country "Ivory Coast" for political reasons assured us that he had applied for asylum at the UNHCR office in Tunisia.

"I came to Tunisia last year to escape the post-election crisis in my country. It was not possible to stay in Ivory Coast. I had to come here to look for some safety. Some helped me with a little money. I managed to provide the ticket and traveled to Tunisia.

Upon my arrival, I stayed for a month in the centre of the capital with a friend. I used to work in a barber's shop in Lafayat. After that, I moved to a dwelling in Aouina then to Sousse.

Once, after work, my boss sent me on an errand to Kantaoui. The police intercepted me and asked for my passport. I told them that my passport was at home and they took me in their car to get it. There they knew that I was in an offensive position because of the residence documents. That was on Monday. The following Thursday, I received a summons from the police station where they arrested me upon arrival and took me to the Jannuary 18 guard post, then to ; the Wardia centre.

The conditions here are inappropriate; food and hygiene are not good. As for the treatment, when you ask for something it is often delayed in coming or execution. You say that you are not well and this is not dealt with quickly. That doesn't make sense. We are detained and when we need something we go to the agents, but they don't have time.

We are like prisoners here! If they lock the door at 9.30 p.m. and do not open it until about 6:45 a.m., then an immigrant who feels unwell or very ill can only wait for the morning. We are being held as prisoners here. I have been feeling unwell for three days and asked them to take me to the hospital. They told me 'be patient.'

I don't want to get a return ticket. I want to stay here in Tunisia. I applied to the UNHCR for asylum about a week ago."

K., conveyed his message to UNHCR, in which he stated:

"... I was still a student at Félix Houphouët Boigny University when the war broke out. My friends and I were involved in the Ivorian Popular Front²² at the time. During the war we formed self-defense groups called national groups or Gbagbo supporters.

In fact, I have witnessed the degradation of human dignity to the point that fear was associated with all our daily activities.

In this context, we had to flee to Tunisia hoping to live in peace and in a manner that respects human dignity, rights and freedoms.

That is why I am applying for the right to asylum. I am currently in the immigration centre, because of residence, specifically in the Wardia Centre of the National Guard ... "

K. did not receive a response from UNHCR, up to the time of reporting. He also asserts that no organization has contacted him, nor has his country's embassy done as well.

Journalist

Are you sure that your letter has reached UNHCR?



K.

Yes, my letter has already reached UNHCR.
I contacted them many times and they always said that the border police (Borders and Aliens Service) had to take me to them for registration.

Journalist

Is the police not coming?



K.

Yes, yes... Marwan (from the border police) is the one who comes here.

²² -The Ivorian Popular Front is an Ivorian political party founded by Laurent Gbagbo in 1982.

He doesn't even want to let us talk to him. He is supposed to take us to register with UNHCR, but he does not come. As for the UNHCR, they want to receive us. The problem is Marwan. He rejects everything.

Journalist

Well, did you talk to him personally?



K.

I told him that I had already applied for asylum and that he had to take me to UNHCR to register, but he bluntly refused.

Journalist

Did he tell you: No, I won't take you to UNHCR?



K.

He told me I had to go home. Marwan said that. I've been waiting for him for 5 days. And when he comes to the centre he doesn't tell you anything useful. pfffff ... Everything that comes out of his mouth is "we no longer have", "it is not possible" He rejects everything because he knows that if he takes you to UNHCR, you will get an asylum seeker card.

Journalist

Who told you that?



K.

I talked to them and they told me that the border police had to take me to them for registration....

K.

Do you see what I mean now?

***Food here makes me feel bad**

E., 30, Ivory coast

"My story is similar to the stories of two immigrants here at the centre. I used to work in the amusement park in Sousse, before I was arrested because of residency documents.

Considering my life is threatened in my country, I came to Tunisia in March 2019. A friend of mine helped me get the travel ticket. When I arrived, I stayed with a friend at his home in Ariana, waiting for another friend to find me a job.

In Tunisia, I worked in different fields such as construction and others, before I found a work in the amusement park. The working conditions there were a bit good ... well, not very good, because we used to do everything they were asking us to do. My fee was 20 dinars per day.

They brought me to the centre 10 days ago. We were three. We arrived here around 4pm. No doctor has examined me since I came.. No organization has contacted me. I don't have anyone I know here.

As for food, I am not used to it yet. It makes me feel bad. As for cleanliness, it is not the best. There is no one to do the cleaning.

I lost my father and mother in the war, and because I am threatened in my country, since I was a member of Gbagbo's supporters, I cannot return to Ivory Coast. I applied for asylum to UNHCR about a week ago, but I have not received a response, so far. Only an asylum seeker card can rectify my status."

***I found myself in prison again instead of the secure shelter**

F., 35, Ivory Coast

Anger and helplessness were the hallmarks of Florent the day we met him at the Wardia Centre.

“I came on the run to Tunisia because of the crisis in Ivory Coast after the elections. I have been here for one year and three months. Initially, I worked as a lighting technician in Al-Aouina and received 20 dinars per day.

E., others and I worked in the amusement park in Sousse. Because of overstaying, they brought us together to the centre on the same day. The situation here is quiet ... food is not good, but cleanliness is ok.

The administration is dealing with us, well... they don't care about us.... Don't care, that's all. They are here, we too, everybody being on his way and that's it. This situation is mentally killing me. All that happened in my country, all the bad things, and then this now. I'm tired.

I do not want to stay in Tunisia or return to Ivory Coast. I want to go to Europe. There in my country, prison awaits me already. In Tunisia here, what can I say.... Tunisians are not good. You are passing through the street and they simply attack you. It happened to me in Aouina, under a bridge, while I was going to work. But I didn't go to the police because my residence permit is expired.

I was a prisoner in my country, then I came here looking for a safe haven, but I found myself in prison again. This situation is mentally killing me.

I applied to UNHCR for asylum, explaining that I could not return to my country. I don't know if I can then go to Europe.... I do not know. I'm just waiting. So far there is no response. As for the organizations, no organization has contacted me, yet. No one came to visit me.

Since I came to the centre, no doctor has examined me and I do not even know if there is a doctor. There was an immigrant who has been screaming in pain since yesterday and he had to wait until morning.

I heard about immigrants who left before I arrived here. But I don't know if they were deported or they left voluntarily.”

***I only saw my newborn baby in pictures**

T., 28, Cameroon

“My parents were killed in Cameroon in one of the Boko Haram’s attacks and I no longer have anyone. So I decided to travel to Tunisia, where I arrived in 2017. I had already obtained a visa but I did not get a residence card later.

For 6 months, I had worked in Lake 2 in various small jobs such as cleaning and horticulture. Then, I got a job at a restaurant in Yasmine Hammamet. I earned 500 dinars per month and slept at the workplace. The conditions there were not good.

Last April, while I was heading to Dubai, for employment purposes, my visa data turned out to be incorrect. There was a problem in the translation of my name. Thus, I was arrested at Tunis-Carthage airport and spent six months in Mornaguia prison. After I left, they brought me to the centre last October.

There were not any problems with security forces during my suspension and here as well.

The situation at the centre is very stressful. I can't stay long. The food is not like we desire. No doctor examined me throughout the period I spent here.

My fiancée comes to visit me. She doesn't work. She just takes care of the baby. My son was born just yesterday. Of course, I was able to see him only in the photos she sent to me. She receives help from Doctors of the World and some friends to provide for the child's needs. But I have to go out. The infant only drinks milk and the price of one can is 22 dinars and a half.

I witnessed the deportation of immigrants from Guinea and Ivory Coast last October. They came early in the morning and took them. I didn't know them well. I was supposed to be sent home, too, but I have a child here in Tunisia that I cannot leave. I have to stay in Tunisia with my family, my child and his mother. So I asked for asylum."

T., whose child was born a few days ago, had no other obsession than leaving the Wardia Centre to embrace his newborn baby and contribute to his needs.

Journalist

Do you see what I mean now?"



T.

I'm not feeling well. But Allah is merciful, and I am still standing.

Journalist

Did you ask to see a doctor?



T.

It's not a health problem, but I'm feeling under the weather.

Journalist

To whom did you submit your asylum application?



T.

Directly to UNHCR. Since my fianc e was abroad, I went straight to them and handed it over to them. The border police must just come to take us to UNHCR for registration.

Journalist

All right. Did they tell you when will that be?



T.

No, still no sign. This is the problem.

*There isn't even soap to wash up

M., 16, Liberia

M. was scared and confused. He was ashamed of not taking a shower since coming to the centre. He was only a child, and he was detained...

"I came to Tunisia to join my older brother who has been working here for two years. But they arrested me on the border with Algeria. That was 6 days ago. Then they brought me here.

My brother works in a restaurant in the area of Alrjeesh. We are only two in the family. My parents fled to Ivory Coast during the war in Liberia, and there was no one to take care of me.

It bothers me a lot to sleep in one place with people older than me. I'm not used to the company of adults.

So far no organization has contacted me. I tried to contact some organizations but in vain. And I don't know anyone here. My mother is an old woman, and my father passed away. I don't even have a Tunisian number to call anyone. Everyone here tells me to calm down and not cause problems. But I don't know what to do.

Since my arrival, no doctor has examined me. They didn't give me anything. There isn't even soap to wash up.

My brother told me that he would manage and help me so I tried to join him. But now I don't know what to do. I didn't know that all this would happen to me. I crossed Algeria to get here. They stopped me there once, but they didn't detain me. They let me go after they knew my age. They told me "pay attention to yourself and do not cause problems".

***They took my money, my computer and my brother's passport**

O., 31, Guinea, is held at the Wardia Centre

"I came to Tunisia through Algeria. I had worked in the construction camps there for four months, before the police arrested me and kicked me out of the country. I fled to Tunisia with others through Tabarka.

I was carrying money, a computer and a passport. I had 25,000 Algerian dinars, about 400 Tunisian dinars, and the passport of my little brother, whom the Algerian authorities deported to Guinea.

The customs officers arrested me on the border and took everything. Then, they transferred me to the security centre. After that, I spent two months in Jendouba's prison before they brought me here last week.

For me, my health is good, I do not smoke and ... I hadn't got sick since I was in Algeria. But no doctor has examined me since I came. The options are not available here. The food, in short, is not good. But, cleanliness is ok.

I am married in Guinea and I have a girl there. In my absence, they find nothing to satiate their hunger. They have nothing.

Now that I have completed my prison term and they brought me here, I want them to give my possessions back to me. I want my money, my computer and my brother's passport. If I go back to Guinea, everything will end. I'll manage and come back my way.

I did not ask for help from any organization. I just want them to return my stuff and I will leave. I haven't seen my wife for a long time. I want to leave."

***They tell me "you will get out next week" ... for 4 months!**

K., 28, Ivory Coast, held at the Wardia Centre

"I came to Tunisia in October 2018 to look for a job to support my poor family. I found a job in an olive field in Sfax. I was paid

600 dinars per month and my employers treated me well. But working in the field didn't suit me because my arm was injured and the work, especially that of ploughing the land, was tiring me out. So I came to Tunisia in search of another job. First, I worked in cleaning carsin Soukra, then in a construction camp in Boumhel... I have worked in almost everything... but my work has stopped since May because my employer travelled abroad.

Last August, I was heading to Italy when they arrested me at the airport for overstaying. They brought me to the Wardia Centre. Since then, two friends and two women from an organization, the International Organization for Migration, have visited me. Then they kept saying to me, "You will get out next week, you will get out the following week"... But, nothing happens.

They promised me a travel ticket to return to my country. We talked a lot, and they promised me a lot. I have to go back to see my parents. They are the ones who brought me to the world and live alone now.

They called me from my country's embassy and said they would get me a return ticket, but they later bought it for someone else."

***There is no internal system published here**

Through a phone conversation application, A., 24, told us about the difficulty of accessing UNHCR and the conditions of detention at the centre.

-A.: There is a matter that concerns me. I don't know if you can help me understand it...

-Journalist: Yes, tell me...

-A.: I got the UNHCR's number through its website. When I called them to tell them that I needed their protection, they answered that I had to go through Borders and Aliens service. But when I communicate with them, they tell me that the Tunisian state no longer accepts more refugees on its territory. I would like you to clarify to me this point. Is there a ceiling on the number of refugees for Tunisia, and if so, what can I do?

-Journalist: I don't know about the presence of a ceiling, but it is good to pose this question to the concerned stakeholders.

-A.: That's why as you can see, our number is great here. They do not want us to stay in Tunisia. All they want from us is to buy our travel tickets and leave, each one to his country. But I can't go back to my country right now.

-Journalist: I understand you. Are you in touch with your family? Do you have a lawyer?

-A.: No, I'm not in touch with my family. I don't have a lawyer.

-Journalist: Well, how can you describe the conditions of detention at the Wardia Centre? That is to say those concerning food, hygiene, overnight and the administration's management?

-A.: I will answer you on each point separately, hoping to explain our problems to you. As for food, we have almost unchanged 3 meals a day. In the morning, they give us baked bread. Lunch is either rice, couscous or spaghetti. At dinner they give us either beans or peas... but what especially tires us is eating only chicken every day. And there is no dessert.

As for hygiene, there are certainly cleaning agents. But the problem is that they do not provide us with soap or laundry detergent. We also have no buckets to wash our clothes.

Now concerning overnight, most mattresses are worn out. It is true that we have new covers, but we cannot wash them if we want to. Heating does not work in all rooms, especially where I currently sleep. Lighting is low, and there are not enough plugs to charge our phones.

Concerning how the administration deals with us, here I have to stop at what I have lived and what I live for now. When we give money to agents to buy our items, they either make the price of the items more expensive than their actual value or do not return the change. It is very difficult to talk about this because we do not know our rights and duties first as refugees and then as foreigners. There is no internal system published here.

III.

Deportation with the blessing of international organizations

"They interrogated my friend several times, and finally told him that he had to manage to buy of his plane ticket quickly. They told him that he had to leave as soon as possible, otherwise they would deport him to Algeria, which is why he was afraid and asked you (the journalist) to help him buy a ticket."

A., a former detainee at the Wardia Centre

"I don't want to get a return ticket. With the new president in place, I will be arrested. I want to stay here in Tunisia."

K., an Ivorian held at the Wardia Center

"Voluntary return is only an alternative to indefinite detention and forced displacement, and the most it can do is to make deportation more attractive and acceptable."

Francis Weber, a human rights lawyer and vice-president of the Institute for Race Relations

1. Forced deportation... They are left alone at the border

"... because of the expiration of his permit, they took him to the Wardia Centre, where he spent 5 months before throwing him and a number of other immigrants on the Algerian border (...) It was not fair to place him on the border in such a way that he exposes him and others to many dangers. He had no money to return. He didn't know where to go. He had nothing."

E.C. The wife of a former detainee at the Wardia Centre.

It seems that the Tunisian authorities, in the absence of a clear strategy for the Tunisian state in dealing with the file of migrants and in light of the weak legal framework and the lack of material and human capabilities placed on the responsibility of the Wardia Reception and Orientation Centre, are deliberately pushing the migrants in order to leave and deport them if they insist on staying.

By asking Colonel Walid Al-Sharni, director of the Wardia Reception and Orientation Centre on the forced deportations of migrants, he stressed that the General Department of the National Guard is not aware of these deportations, and that it works within the framework of the budget granted to it to provide for the needs of immigrants in the centre, and does not request anything but help to "solve their problems by providing return tickets or settling their legal status" emphasizing that the administration adopts one of the following solutions with migrants held in the centre, namely:

- Handing them over to the Borders and Aliens Service: In the year 2018, 542 detained immigrants were transferred to the Borders and Aliens Service out of 745.
- Referring them to the security services with the existence of juridical tracing.
- Keeping them in the centre until they leave.
- Various procedures and solutions, which he did not explain.

Regardless of the ambiguity that this official account reveals in terms of overlapping roles between the General Department of the National Guard that oversees the centre and the Borders and Aliens Service to which migrants are "handed over", Tunisian law grants absolute discretion to the Minister of the Interior regarding the return of foreigners who violate the rules of entering, residing in, or leaving a country to their homeland, and the deportation of those whose presence constitutes a threat to public order. The law provides for the possibility of returning an alien who violates the rules of entering, residing in and leaving the country and enables the Minister of Interior to issue a deportation order for foreigners whose presence on Tunisian soil is estimated to constitute a threat to public order without the need to indicate the nature and manner of that threat. Chapter 18 of Law No. 7 of 1968 dated March 8, 1968 relating to the situation of foreigners in Tunisia states that "the Secretary of State for the Interior can take a decision to expel every foreigner whose presence on Tunisian soil constitutes a threat to public security."

Perhaps it is no secret today the increase in the number of violations faced by migrants in Tunisia and the “recklessness” of the Tunisian authorities of the lives of migrants and exposing them to danger by expelling them in degrading conditions,²³ as the security authorities issued in the summer of 2019 a decision to expel 36 Ivorian migrants to the Libyan border, after they were arrested in the city of Sfax on charges of entering the country surreptitiously. Among the migrants were three children and 11 women, some of whom were pregnant, and were taken to the Libyan border region, “where they were asked to walk to Libya through the desert.” "The psychological condition of these migrants was very difficult, especially since they found themselves in a desert area without food or drink. They had children and a pregnant woman, and one of the male migrants had a broken leg,"²⁴ affirmed Mr. Ramadan Ben Amor, from the Tunisian Forum for Economic and Social Rights.

After spending about a week alone without food or water, and following the pressure from civil society organizations, the authorities allowed 25 people among them to enter Tunisian territory and distributed them between reception centres in Medenine and the capital. While human rights sources acknowledged that the rest "had penetrated into the Libyan territories."

²³ -A week later ... Tunisia allows entry to migrants stranded at borders with Libya / Muhajir News, August 12, 2019 <https://bit.ly/33W50un>

²⁴ -Tunisian authorities deport tens of African migrants to a border region with Libya, Sherif Bey, Muhajir News, August 6, 2019 <https://bit.ly/2DW03qZ>

"What happened is an international scandal for Tunisia," says Lawyer Helmi Toumi. "Migrants are usually deported to the border with Algeria because Algerians are somewhat smooth in dealing with the Tunisian side. But, is Libya a safe country so that the authorities can send the migrants to its border?"

The number of migrants who were deported to the border with Algeria or Libya remains unknown, in light of the blackout that characterizes the Tunisian authorities' handling of this issue.

2. A voluntary return ... Really?!

"They interrogated my friend several times, and finally told him that he had to manage to buy his plane ticket quickly. They told him that he should leave as soon as possible, otherwise they would deport him to Algeria, which is why he was afraid and asked you (the journalist) to help him buy a ticket".

²⁵

A.a former detainee at the Wardia Centre

"I don't want to get a return ticket. With the new president in place, I will be arrested. I want to stay here in Tunisia. "

K., an Ivorian held at the Wardia Center

²⁵ - Testimony of a former detainee at the Wardia Centre, who was deported in an interview with a journalist in 2015, Refugees in Tunisia: Between Detention and Deportation, Tunisia In Red, April 201 https://bit.ly/38iw0YB

K., is just one of the hundreds of migrants held at the Wardia Centre and who do not wish to return to their countries, but they are not in a position to "make a choice." They are locked into a closed space, cut off from their loved ones and families. Many of them sold everything they had in their country to be able to purchase a plane ticket. Others lost their loved ones on the onerous journey of arrival by land or in their attempt to leave Tunisia by sea. Their voices and words reflect anger and grief over their helplessness.

"There are those who actually leave the centre without being deported, especially if their situation is humanitarian. Sometimes the migrants are kept there only for the purpose of further investigation. But "staying in the centre is mentally stressful in itself." Lawyer Helmi Toumi

All of them refuse to return once they reach the centre. Some of them hold onto their position of refusal for months until the guards are fed up, so they make a decision to deport them to the border or let them leave the centre in extreme humanitarian cases such as severe illness. Some of them obtain a refugee or an asylum seeker status and some of them their embassy interferes to get them out, in the case of European nationalities, whose community members' average detention time does not exceed a few days. The rest leave after a long period of detention, which ends with a "voluntary" return ticket.

A psychologist²⁶ who has worked in the immigration field since 2011 describes the voluntary return to which detainees in the Wardia Centre are subjected to as a "forcible voluntary return", explaining that detaining migrants for long weeks and months does not effectively leave them free to choose. "It is not possible to talk about a free and voluntary choice in the case of detained migrants. They are in a difficult psychological situation after a period of varying length of detention and isolation from their loved ones. And when you lose everything, your money, your documents, your work, and perhaps family members and you are forced to leave in the end, no matter how hard you resist and stand, you will choose to return to your country instead of being forcibly deported to the border."

Voluntary return programs were common in Europe in the 1970s as a way to get rid of unwanted 'guest workers'. In the Netherlands, the Dutch government created a plan to reintegrate Turkish, Tunisian, and Moroccan 'guest workers' into their countries of origin, and the French government followed suit in 1977, followed by the German government in 1983. All of these programs had a low turnout.²⁷

In June 2019, the Parliamentary Assembly of the Council of Europe issued a report²⁸ describing voluntary return programs as an effective, humane and cost-effective mechanism for returning irregular migrants, calling on member states to further use voluntary return programs as an alternative to

²⁶ -The psychologist asked for her name not to be disclosed

²⁷ - How voluntary are voluntary returns, Frances Weber, Race and Class, vol. 52 (4), p.99, <https://bit.ly/38kAdeo>

²⁸ -Ibid,

expulsion. The report focused, in particular, on the cost that can be saved by using the mentioned programs. Indeed, a voluntary return process with the costs of reintegration, costs on average, one third of the cost of forcible deportation, and even less if detention costs are calculated with it.

All voluntary return programs are run by or in partnership with the International Organization for Migration, an international organization that includes more than one hundred and seventy member countries. According to the organization's statistics, it helped more than 72,176,000 people return to their home countries as part of implementing various voluntary return programs.²⁹

In this regard, human rights lawyer and deputy chair of the Institute for Race Relations, Frances Weber, considers that voluntary return is only an alternative to indefinite detention and forcible deportation, and the most that it can do is to make deportation more attractive and acceptable.³⁰

The Tunisian authorities do not provide official numbers for migrants who have been "expelled", "returned" to their countries, or "deported". However, a report by the International Organization for Migration reveals that it assisted

²⁹ -Briefing on the International Organization for Migration, 2019,<https://bit.ly/2sVsjaZ>

³⁰ -UK "Voluntary" Return Program: Refugee Coercion and NGO Collusion, Lotte Lewis Smith, The New Humanitarian, 21 February 2017,<https://bit.ly/38gnFEJ>

584 migrants to return from Tunisia to their countries of origin as part of assistance for voluntary return and reintegration.³¹

We emailed to the head of the IOM mission in Tunisia, asking about the number of migrants who were held in the Wardia Centre among those included in "voluntary return", and about the possibility of talking about voluntary return of migrants who were held in difficult psychological conditions, but we did not receive any response to our questions.³²

In fact, the response came, unexpectedly, via a short message to the phone from the organization's communications and public information's officer "Hahahahahahahahaha, I love your email."

It appears that this answer, both in form and content, confirms the impression that many jurists have that some organizations working in the field of migration do not deal with the issue according to the legal approach or with the necessary seriousness. This was confirmed by the lawyer, Mr. Halim Al-

³¹ -2018 Return and Reintegration Key Highlights, International Organization for Migration, 2019

<https://bit.ly/2ZlJqPo>

³² -The questions were previously sent via e-mail, a press interview was held with the IOM-Tunisia communications and public information's officer in September 2019, but we were asked not to use the content of the meeting and settle for what would be sent via e-mail. However, the data that the organization provided us with later on the file of immigrants was notas precise as required in relation to its dealings with reception centres and in particular the Wardia Reception and Orientation Centre, rather it was general and can be accessed through the organization's website and other publications available on the Internet.

Meddeb, when he told us, in an angry and reprehensible tone, "Many of the intervening associations and organizations are involved in this crime. These organizations are satisfied with the deportation and detention that occur, as long as they receive funding to organize their demonstrations and campaigns in five-star hotels."

He adds "Immigration is almost the only area in which no development has occurred in Tunisia after the revolution. We blame Europe for its criminal policies in relation to immigration, but the situation in Tunisia is even worse," he said stressing that "the United Nations and its various agencies are complicit in the matter of immigration and bear a great responsibility because they are greatly remiss." Meanwhile, "the Tunisian authorities are not interested in and civil society is failing these immigrants."

We have reached out to the association Terre D'asile Tunisia active in the area of advocacy for immigration issues, which provides various types of assistance to migrants detained at the Wardia Centre, such as medical, social and legal assistance and guidance in relation to asylum application procedures. The Association's President Cherifa El-Ryahi confirmed that Terre D'asile that does not assist in providing return tickets for migrants.

The Caritas Tunis Association, which is the only one authorized to visit prisoners of Christian faith³³, runs a reception centre for

³³ -The Association's website <https://bit.ly/2saAhNf>

migrants on its own, pending their return to their countries. In addition, the association assists migrants detained at the Wardia Centre by regularly communicating with their families and providing them with various aids, such as diapers for children. A female activist in the association, who requested not to be named, told us that Caritas provides return tickets exclusively for imprisoned immigrants who have served their sentences. We were unable to obtain an explanation from the association as to whether the term "prisoners" includes detainees at the Wardia centre, despite our attempts to communicate with it.

CONCLUSION AND RECOMMENDATIONS:

Detaining irregular migrants, and then forcibly deporting or returning them to their countries, may appear to be a practical, easy and even effective solution in a number of countries in the world, especially if it is wrapped with "flowery international concepts" such as "voluntary return", which may allow the Tunisian authorities to justify this by saying that they "do what others do" and that "countries that are more established than us in democracy are detaining immigrants, so why don't we do that, while we are an emerging democracy?" .

While this security policy may succeed in deporting undesirable immigrants, at least for a while, and sort out those who "fit" to remain on Tunisian territory or transit from it to the northern bank of the Mediterranean, the regional context in the African continent, which is marked by conflicts and wars and the spread of epidemics , famine and poverty, in addition to the repressive and selective European policy regarding regular immigration and the unjust conditions it imposes on the entry visa, will make the flows of regular and irregular migration towards Tunisia a continuing event in the short and medium run.

It is no longer possible for Tunisia to continue the policy of opacity and ambiguity in dealing with the issue of regular and irregular migration, or keep pretending that it is a "transit zone" only, and the fact that many migrants intend to work and

settle in it, except for those who take refuge in it, seeking asylum on its lands. It has also become shameful for the Second Republic to continue the absence of a national law regulating migration and asylum that protects the rights of people within mixed migration flows and pushes them towards the clutches of fragility, human trafficking, racism and detention...

The Wardia Reception and Orientation Centre is the best example of this opacity and ambiguity, in terms of the ambiguity of its legality and legal legitimacy, the ambiguity of the roles within it between the National Guard department and the Borders and Aliens Service and the scarcity of official information provided about the reasons for arresting the detained migrants and the conditions of their stay in the centre and their different destinies. Moreover, the isolation of migrants placed in it from the outside world, except for phone messages and some visits within the limits of what is permitted, makes it difficult to know the reality of what they are living in detention and what their "files" may lead to after a prolonged waiting in the "reception" centre "cells".

Through their stories, the experience of the detention centre seems bad for most immigrants. They realize that they are in a space involving deprivation of liberty. They hear the stories of the "first" who were deported to the border, and the others who "voluntarily" or "forcibly" returned and spend daylight hours waiting. Today the Borders and Aliens Service may come to take asylum seekers to register, and it may not come as yesterday, or it may come to deport them.

As for those who ended their journey of waiting and left the centre, the information about them became scarcer. Some of them were left on the border facing their fate alone until reaching a populated area or dying of starvation and thirst. Some of them boarded the plane and have not been heard of since. They became just a number in the statistics and records of the voluntary return and reintegration program. Others, we have neither heard of them nor about what happened to them, because they are not found in the official state records of "foreigners" as they all call them, thereby remaining in oblivion forgotten and "strangers of the Republic."

This research finds that Tunisia is not trying to take advantage of the opportunities that migration may provide, nor does it rush to develop a legal framework that expresses a clear strategy in dealing with this phenomenon and which is appropriate to its international obligations. In fact, it continues to carry out detentions of immigrants, without any legal basis, and deport some of them in a manner that does not take into account their dignity, human sanctity and vulnerability. It is also involved in the "forcible" return policies envisaged by European countries, titled Helping "Voluntary Return" and "Reintegration" as a "more attractive and acceptable" alternative to detention.

And because this research does not only aim to describe the reality of migrants, but rather, to suggest ways and solutions to change it for the better, we concluded by formulating a set of recommendations that we believe are sufficient to ensure that

Tunisia's dealing with the phenomenon of migration becomes a civilized one, both in law and practice, worthy of its civilization and cultural heritage and in harmony with the values and principles of its Second Republic and with its international obligations. These recommendations are as follows:

- The need for the Tunisian authorities to deal with transparency when handling with the migration file and the stakes, challenges and difficulties it presents, away from the currently adopted policy of opacity regarding the activity and status of the Wardia Reception and Orientation Centre and other centres and with deportations and "voluntary return" programs, and adopt effective legal and institutional solutions away from the currently adopted pure security approach and the constitutional and legal breaches that is marred by them.
- It is necessary to adopt the law pertaining to the protection of refugees and its implementing regulations and start applying its provisions, activating its requirements and establishing the institutions and structures that it will bring about as soon as possible.
- The need for ratification, as soon as possible, of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and the International Labour Organization's conventions number 97 and 143 on migrant workers.

- Simplifying and clarifying procedures for obtaining green cards and subjecting them to strict and complete judicial control.
- Opening windows assigned to facilitate administrative procedures for migrants in Tunisia.
- Elaborating action plans for migrants to help them overcome difficult economic and social situations.
- Developing a code of conduct that regulates the rules and ethics of dealing with migrants, asylum seekers and refugees, to be distributed especially to all public agents affiliated with the corresponding administrative and security departments and structures.
- Promoting dialogue on a regular basis between the government and civil society organizations on the issue of migration.
- Working to strengthen the complementarily between civil parties involved in the field of migration to effectively influence public policies related to migration.
- Capacity-building of journalists and media professionals to conduct field press investigations related to reception centres and other spaces intended for migrants and other issues related to migration and asylum.

Supported By



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